

**PUBLIC NOTICE
OF INTENT TO PROPOSE OR PROMULGATE
NEW OR CHANGED AGENCY RULES**

The following agencies of the state of Idaho have published the complete text and all related, pertinent information concerning their intent to change or make the following rules in the new issue of the state Administrative Bulletin.

**IDAPA 02 – DEPARTMENT OF AGRICULTURE
2270 Old Penitentiary Rd, Boise, ID 83712**

02-0214-0201, Rules for Weights and Measures. Adopts by reference the 2003 edition of the National Institute of Standards and Technology Handbook 44. Comment by: 9/25/02.

****02-0403-0203**, Rules Governing Animal Industry. Removes obsolete sections and those dealing with domestic Cervidae. Comment by: 9/25/02.

****02-0419-0201**, Rules Governing Domestic Cervidae. Updates and amends the domestic Cervidae rules that were removed from IDAPA 02.04.03 and adopted into this chapter. Addresses new and varied disease control issues. Comment by: 9/25/02.

****02-0423-0201**, Rules Governing Commercial Livestock Truck Washing Facilities. Regulates the permitting, construction, and operation of commercial livestock truck washing facilities in accordance with HB 529. Comment by: 9/25/02.

02-0608-0202, Quarantine Rules Pertaining to Apple and Cherries. Rewrite of chapter combines the common provisions of this rule and the following repealed rules into one comprehensive rule to eliminate duplications and update pesticide recommendations. Comment by: 9/25/02.

The Following Chapters Are Being Repealed In Their Entirety - Comment by: 9/25/02.

02-0608-0201, Order in the Matter of the Control of Cherry Fruit Fly in Certain Prescribed Portions of Canyon County; **02-0610-0201**, Order in the Matter of the Control of Cherry Fruit Fly in Certain Prescribed Portions of Gem County; **02-0619-0201**, Apple and Cherry Quarantine Rules; and **02-0623-0201**, Interior Apple Maggot Quarantine Rule.

**IDAPA 07 – DIVISION OF BUILDING SAFETY
1090 E. Watertower St., Meridian, ID 83642**

07-0103-0201, Rules of Electrical Licensing and Registration - General. Conforms licensing requirements to Idaho Code; deletes waiting period requirement for apprentices and allows them to apply for a journeyman license after proof of completion of the prescribed educational training and experience requirements each year for 4 years; establishes journeyman requirements for out-of-state applicants. Comment by: 9/25/02.

07-0104-0201, Rules Governing Electrical Specialty Licensing. Removes specialty license fee from rule to make it consistent with Section 54-1014, Idaho Code. Comment by: 9/25/02.

**IDAPA 09 – DEPARTMENT OF LABOR
317 W. Main St., Boise, ID 83735**

09-0130-0201, Rules of the Benefits Bureau. If a claimant declines work with an ongoing employer but does not sever the employment relationship, the claimant's availability for work will be examined but it will not be considered an offer of work refusal. Comment by: 9/25/02.

**IDAPA 10 – BOARD OF REGISTRATION OF PROFESSIONAL ENGINEERS
AND PROFESSIONAL LAND SURVEYORS
600 S. Orchard, Suite A, Boise, ID 83705-1242**

10-0101-0201, Rules of Procedure. Changes office hours; modifies age requirement from 65 to 60 for license and certificate holders to qualify for Retired Status; an applicant with a related science degree rather than an engineering degree must provide same proof of equivalent education as those who apply for Engineer-in-Training certification; allows Board to publish disciplinary action on the Internet for up to 10 years. Comment by: 9/25/02.

10-0102-0201, Rules of Professional Responsibility. Changes "infraction" to "violation" to address violations of both rules and statutes. Comment by: 9/25/02.

**IDAPA 11 – IDAHO STATE POLICE
P.O. Box 700, Meridian, ID 83680-0700**

11-0701-0201, Motor Vehicle Rules – General Rules; **11-0702-0201**, Motor Safety Rule Governing Safety Glazing Material; **11-0703-0201**, Rules Governing Emergency Vehicles/Authorized Emergency Vehicles. Adds required sections addressing legal authority, title and scope, written interpretations, and administrative appeals to these rules. Comment by: 9/25/02.

IDAPA 15 – OFFICE OF THE GOVERNOR

**IDAHO FOREST PRODUCTS COMMISSION
P. O. Box 855, Boise, ID 83701**

15-0301-0201, Rules of Administrative Procedure of the Idaho Forest Products Commission. Adds and deletes definitions; clarifies methodology for assessing fees to financial supporters of the Commission. Comment by: 9/25/02.

**IDAPA 18 – DEPARTMENT OF INSURANCE
P.O. Box 83720, Boise, ID 83720-0043**

18-0117-0201, Surplus Lines – Delegation of Responsibility. Removes Idaho residency requirement for licensing surplus lines brokers; allows changes in surplus lines by-laws to become effective if changes submitted for approval are not acted upon within 60 days of receipt by the department. Comment by: 9/25/02.

18-0118-0201, Open Lines for Export – Surplus Lines. Allows the director to approve a class or classes of business for export through the surplus lines market by issuing an order or rule, without conducting a formal hearing. Comment by: 9/25/02.

18-0148-0201, Rule to Implement the Privacy of Consumer Financial Information. Implements requirements of federal and state law relating to privacy of personal financial information. Comment by: 9/25/02.

18-0150-0201, Adoption of the 1997 Uniform Fire Code. Adopts by reference the 2000 International Fire Code and makes minor modifications to adapt it for use by state and local jurisdictions. Comment by: 9/25/02.

18-0152-0201, Rules Governing Disclosure Requirements for Insurance Producers When Charging Fees. Clarifies that a retail producer, when charging a fee for services, must provide a written statement to consumer describing services to be performed and the cost. Comment by: 9/25/02.

18-0154-0201, Rule to Implement the NAIC Medicare Supplement Insurance Minimum Standards Model Act. Amendments will bring rule into compliance with the new federal standards created by Benefits Improvement and Protection Act. Comment by: 9/25/02.

18-0165-0201, Rules for Surplus Lines Brokers. Extends the license reinstatement period from 30 days to 1 year; eliminates requirements for a bond and that records be kept in an office located in Idaho; clarifies that surplus lines brokers selling through a purchasing group must be licensed in Idaho and are responsible for submission of taxes and fees to the Surplus Lines Association. Comment by: 9/25/02.

**IDAPA 20 – IDAHO DEPARTMENT OF LANDS
P.O. Box 83720, Boise, ID 83720-0200**

****20-0201-0201**, Rules Pertaining to the Idaho Forest Practices Act. Limits future re-entry in stream protection zones to provide for streamside shade; provides standards for retention or removal of down wood in stream protection zones; establishes minimum streamside tree retention requirements by the use of basal area; allows operators to develop alternative riparian management prescriptions; provides adequate wildlife escape cover within single ownerships; encourages replacement of older existing culverts that do not provide for fish passage or meet the 50-year design requirement; specifies best management practices for the use of fords; clarifies when roads can be reused in stream protection zones. Comment by: 9/25/02.

**IDAPA 27 – BOARD OF PHARMACY
P.O. Box 83720, Boise, ID 83720-0067**

27-0101-0201, Rules of the Idaho Board of Pharmacy. Sets out specific criteria for ephedrine products that can be sold without prescription and includes maximum dosage requirements and label disclosures and warnings. Comment by: 9/25/02.

**IDAPA 31 – PUBLIC UTILITIES COMMISSION
P.O. Box 83720, Boise, ID 83720-0074**

31-1101-0201, Safety and Accident Reporting Rules for Utilities Regulated by the IPUC. Updates safety regulation documents incorporated by reference. Comment by: 9/25/02.

31-7102-0201, Railroad Accident Reporting Rules. Updates documents incorporated by reference. Comment by: 9/25/02.

**IDAPA 35 – STATE TAX COMMISSION
P.O. Box 36, Boise, ID 83722**

35-0102-0201, Sales and Use Tax Rules. Deletes obsolete language and references; describes new color codes used for Federal Tax Exemption Cards for foreign diplomats; clarifies exempt mission card purchases by foreign diplomats; clarifies the time limit allowed to appeal the denial of a refund; replaces form used for applying for a seller's permit number; clarifies exempt status for livestock sales. Comment by: 9/25/02.

35-0103-0201 and **35-0103-0202**, Property Tax Rules. Creates a category to assess and list certain rural lots in counties under 100,000 in population for ease of identification for granting a partial exemption and provides guidance to counties when deciding which properties are eligible for exemption. Comment by: 9/25/02.

35-0103-0205, Property Tax Rules. Lists documents incorporated by reference and deletes obsolete documents and references; includes valuation schedules for registering recreational vehicles beginning in 2004; amends the equalization of values of manufactured homes on leased land declared as real property in ratio studies to equalize values within the counties and school districts; clarifies for counties the partial year assessment of personal property and prorating the value of transient personal property; clarifies what information must be sent to taxpayers of occupancy taxes for appraisal notification; revises date for distribution of tax code area maps to operating properties; provides direction to auditors to report value exempted by law for parcels in rural home sites, to help them determine when taxing districts can levy against annexed territory, and to report sales tax distribution; adds date reports are due to Tax Commission. Comment by: 9/25/02.

35-0109-0201, Idaho County Option Kitchen and Table Wine Tax Rules and **35-0112-0201**, Idaho Beer Tax Rules. Clarifies that declaratory rulings are not public records and removes outdated cross-references to the Income Tax Rules. Comment by: 9/25/02.

35-0110-0201, Idaho Cigarette and Tobacco Products Tax Rules. Corrects a reference to Idaho Code; limits the credit distributors may claim to sales to retailers only. Comment by: 9/25/02.

**IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY
1410 N. Hilton, Boise, ID 83706-1255**

58.01.01, Rules for the Control of Air Pollution in Idaho.

****58-0101-0202.** Proposes several revisions to clarify and streamline the air quality stationary source permitting program. Comment by: 10/9/02.

****58-0101-0203.** Revises existing structure for annual registration of Tier I sources and the annual assessment and payment of Tier I fees. Comment by: 10/9/02.

****58-0101-0204.** Establishes a health-based standard for acceptable ambient (outdoor) levels of hydrogen sulfide (H₂S) emissions and averaging time. Comment by: 10/11/02.

****PUBLIC HEARINGS HAVE BEEN SCHEDULED FOR THESE DOCKETS.**

Please refer to the Idaho Administrative Bulletin, **September 4, 2002, Volume 02-9** for notices and text of all rulemakings, public hearing schedules, Governor's executive orders, and agency contact names.

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